



UNITED STATES  
**SECURITIES AND EXCHANGE COMMISSION**  
New York Regional Office  
Brookfield Place, 200 Vesey Street, Suite 400  
New York, NY 10281-1022

October 17, 2019

Via ECF

Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: SEC v. Telegram Group Inc. & TON Foundation Inc., No. 19 Civ. 9439 (PKC)

Dear Judge Castel:

Plaintiff Securities and Exchange Commission (“Commission”) respectfully submits this letter: (1) to apprise the Court of the status of the Commission’s efforts to work out a mutually agreeable resolution to an issue concerning the redaction of confidential information from certain documents relevant to this action; and (2) to seek additional time, until October 21, 2019, to move to file certain of those documents under seal and in redacted form on ECF.

As the Court knows, on Friday, October 11, 2019, the Commission filed an emergency motion for an Order to Show Cause, Temporary Restraining Order and Order Granting Expedited Discovery and Other Relief against Defendants Telegram Group Inc. and Ton Issuer Inc. (the “Application”). In support of that Application, the Commission submitted the Declaration of Daphna Waxman and a number of exhibits attached thereto. Twelve of those exhibits contain information that is potentially entitled to confidential treatment on privacy and/or proprietary information grounds. Over the past three days, the Commission has been diligently attempting to work out an agreement with the entities whose documents are at issue as to what to seek to file under seal and in redacted form on ECF, while still meeting the standards for non-disclosure set forth in *Lugosch v. Pyramid Company of Onondaga*, 435 F.3d 110 (2d Cir. 2006).

We had hoped to resolve this issue by now and intended to file the Waxman Declaration and all exhibits on ECF well before now, along with a motion to seal those documents as to which the parties sought protection. Unfortunately, the issue has taken longer to resolve than expected.

In order to avoid further delays, we have filed the Waxman Declaration and all of the exhibits thereto as to which there are no confidentiality concerns on ECF this evening. We seek leave of the Court to delay filing the remaining twelve exhibits on ECF until the parties are able to resolve the confidentiality concerns, at which time we intend to file a motion for an Order seeking to file certain of those documents under seal and in redacted form on ECF. We therefore respectfully request until Monday, October 21, 2019 to file that motion.

The Honorable P. Kevin Castel

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Counsel for Defendants consent to this request.

Respectfully submitted

/s/ Kevin P. McGrath

Kevin P. McGrath

Senior Trial Counsel

Securities and Exchange Commission

cc (via ECF Only): Counsel for Defendants